

(6) the securing of bonds or notes issued by one district to fund the project with a pledge of payments to be made by one or more of the other districts; and

(7) the assumption of responsibility for valid obligations, incurred in furtherance of the common project, of the United States or of any district.

(c) A contract may provide that a district will make payment under the contract from proceeds from the sale of bonds or notes, from taxes, or from any other income of the district or any combination of these. A district may make payments under a contract from taxes other than maintenance taxes, after the provisions of the contract have been approved by a majority of the electors voting at an election held for that purpose. A contract election may be held alone or at the same time and in conjunction with an election to authorize bonds. The procedure for calling the election, giving notice, conducting the election, and canvassing the returns is the same as the procedure for a bond election. If the contract is approved, it constitutes an obligation against the taxing power of the district to the extent provided in the contract.

(d) A district all or part of which is in another district may exercise the authority granted a district under this section.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 11, 1991: Yeas 144, Nays 1, 1 present, not voting; the House refused to concur in Senate amendments to H.B. No. 1181 on May 10, 1991, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 1181 on May 21, 1991: Yeas 142, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 3, 1991: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 1181 on May 24, 1991: Yeas 31, Nays 0.

Filed without signature June 16, 1991.

Effective June 16, 1991.

CHAPTER 795

H.B. No. 1186

AN ACT

relating to the continuation and operation of the State Bar of Texas and to the state bar's and the state supreme court's functions concerning the regulation of attorneys.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 81.002, Government Code, is amended to read as follows:

Sec. 81.002. DEFINITIONS. In this chapter:

- (1) "State bar" means the State Bar of Texas.
- (2) "Executive director" means the executive director of the state bar.
- (3) "General counsel" means the general counsel of the state bar.
- (4) "Board of directors" means the board of directors of the state bar.

(5) "Commission" means the Commission for Lawyer Discipline described by Section 81.076 and as provided in the Texas Rules of Disciplinary Procedure adopted by the Supreme Court of Texas.

(6) "Chief disciplinary counsel" means the attorney selected under Section 81.076 who performs disciplinary functions for the state bar under the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure.

(7) "Minority member" means a member of the state bar who is female, African-American, Hispanic-American, Native American, or Asian-American.

SECTION 2. Section 81.003, Government Code, is amended to read as follows:

Sec. 81.003. SUNSET PROVISION. The state bar is subject to ~~[the Texas Sunset Act]~~ Chapter 325 (Texas Sunset Act). Unless continued ~~[in existence]~~ as provided by that chapter, ~~[the state bar is abolished and]~~ this chapter expires December 31 ~~[September 1]~~, 1991. *The abolition date prescribed by this subsection does not require the Sunset Advisory Commission to conduct any review or prepare any report other than the review undertaken before the convening of the 72nd Legislature, Regular Session, 1991, or the report submitted to that legislature.*

SECTION 3. Section 81.012, Government Code, is amended to read as follows:

Sec. 81.012. PURPOSES. In order that the public responsibilities of the legal profession may be more effectively discharged, the state bar has the following purposes:

- (1) to aid the courts in carrying on and improving the administration of justice;
- (2) to advance the quality of legal services to the public *and to foster the role of the legal profession in serving the public;*
- (3) to foster and maintain on the part of those engaged in the practice of law high ideals and integrity, learning, competence in public service, and high standards of conduct;
- (4) to provide proper professional services to the members of the state bar;
- (5) to encourage the formation of and activities of local bar associations;
- (6) to provide forums for the discussion of subjects pertaining to the practice of law, the science of jurisprudence and law reform, and the relationship of the state bar to the public; and
- (7) to publish information relating to the subjects listed in Subdivision (6).

SECTION 4. Subchapter B, Chapter 81, Government Code, is amended by adding Section 81.0151 to read as follows:

Sec. 81.0151. PURCHASING. The board of directors shall adopt guidelines and procedures for purchasing that are consistent with the guidelines and procedures in Article 3, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes). Purchases are subject to the ultimate review of the supreme court. The state bar shall maintain reports on state bar purchases and shall make those reports available for review by the state auditor.

SECTION 5. Section 81.016(c), Government Code, is amended to read as follows:

(c) The property of the state bar is held by the state bar for the purposes set out in Section 81.012. *If the state bar ceases to exist as a legal entity for any reason, all property of the state bar shall be held in trust by the supreme court for the attorneys of this state.*

SECTION 6. Section 81.019(c), Government Code, is amended to read as follows:

(c) The election rules must permit any member's name to be printed on the ballot as a candidate for president-elect if a written petition requesting that action and signed by at least five ~~[one]~~ percent of the membership of the state bar is filed with the executive director at least 30 days before the election ballots are to be mailed to the membership.

SECTION 7. Section 81.020, Government Code, is amended to read as follows:

Sec. 81.020. BOARD OF DIRECTORS. (a) The governing body of the state bar is the board of directors. ~~[The board shall enforce this chapter.]~~

(b) The board is composed of:

- (1) the officers of the state bar;

(2) the president, president-elect, and immediate past president of the Texas Young Lawyers Association;

(3) not more than 30 members of the state bar elected by the membership from their district as determined by the board; ~~and~~

(4) six persons appointed by the supreme court and confirmed by the senate who are not attorneys and who do not have, other than as consumers, a financial interest in the practice of law; *and*

(5) *four minority member directors appointed by the president as provided by Subsection (d).*

(c) Elected members serve three-year terms. Nonattorney members serve staggered terms of the same length as terms of elected board members. The supreme court shall annually appoint two nonattorney members, with at least one of the two from a list of at least five names submitted by the governor. In making the appointments the supreme court and the governor must attempt to ensure full and fair representation of the general public, including women, ~~ethnic~~ minorities, and retired persons *who are at least 55 years of age*. Each appointment shall be made without regard to race, creed, sex, religion, or national origin. A person who has served more than half of a full term is not eligible for reappointment to the board.

(d) The president of the state bar appoints the minority member directors, subject to confirmation by the board of directors. In making appointments under this subsection, the president shall attempt to appoint members of the different minority groups listed in Section 81.002(7). Minority member directors serve three-year terms. To be eligible for appointment as a minority member director, a person must:

(1) be a minority member of the bar;

(2) not be serving as an elected director at the time of appointment; and

(3) not be serving as a minority member director at the time of appointment.

(e) The board of directors shall provide to its members and employees, as often as necessary, information regarding their qualifications for office or employment under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.

(f) The board of directors shall develop and implement policies that clearly define the respective responsibilities of the board and the staff of the state bar.

(g) The board of directors shall prepare and maintain a written plan that describes how a person who does not speak English or who has a physical, mental, or developmental disability can be provided reasonable access to the state bar's programs.

SECTION 8. Section 81.021, Government Code, is amended to read as follows:

Sec. 81.021. OPEN MEETINGS; *PUBLIC PARTICIPATION.* (a) Meetings of the board of directors of the state bar are subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes).

(b) The board of directors shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.

SECTION 9. Section 81.023, Government Code, is amended to read as follows:

Sec. 81.023. AUDIT; *FINANCIAL REPORT.* (a) The financial transactions of the state bar are subject to audit by the state auditor in accordance with Chapter 321, Government Code. The state bar shall pay the expense of the audit. The auditor's report shall be published in the Bar Journal.

(b) The state bar shall file annually with the supreme court, the governor, and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the state bar during the preceding fiscal year. The annual report must be in the form and reported in the time provided by the General Appropriations Act.

SECTION 10. Subchapter B, Chapter 81, Government Code, is amended by adding Section 81.0221 to read as follows:

Sec. 81.0221. ALCOHOLIC BEVERAGES. None of the funds of the state bar collected from mandatory dues may be used for the purchase of alcoholic beverages.

SECTION 11. Section 81.027, Government Code, is amended to read as follows:

Sec. 81.027. REMOVAL OF DIRECTOR. (a) The board of directors may remove a director from the board at any regular meeting by resolution declaring the director's position vacant if:

(1) the director, in the board's determination, has become incapacitated and cannot perform his duties as a director; ~~or~~

(2) the director has been absent, without cause considered adequate by the board, from any two consecutive regular meetings of the board or from a total of four meetings;

(3) *the director violates a prohibition established by Section 81.028; or*

(4) *the director has violated the terms or provisions of Section 81.031.*

(b) *The validity of an action of the board of directors is not affected by the fact that it is taken when a ground for removal of a director exists.*

(c) *If the executive director has knowledge that a potential ground for removal of a director exists, the executive director shall notify the president of the state bar and the director of the ground.*

SECTION 12. Section 81.029, Government Code, is amended by adding Subsections (h)–(l) to read as follows:

(h) *The executive director or the executive director's designee shall develop an intra-agency career ladder program. The program shall require intra-agency postings of all nonentry level positions concurrently with any public posting.*

(i) *The executive director or the executive director's designee shall develop a system of annual performance evaluations. All merit pay for state bar employees must be based on the system established under this subsection.*

(j) *The executive director or the executive director's designee shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, handicap, sex, religion, age, or national origin. The policy statement must include:*

(1) *personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel;*

(2) *a comprehensive analysis of the state bar work force that meets federal and state guidelines;*

(3) *procedures by which a determination can be made of significant underuse in the state bar work force of all persons for whom federal or state guidelines encourage a more equitable balance; and*

(4) *reasonable methods to appropriately address those areas of significant underuse.*

(k) *A policy statement prepared under Subsection (j) must cover an annual period, be updated at least annually, and be filed with the supreme court and the governor's office.*

(l) *The governor's office shall deliver a biennial report to the legislature based on the information received under Subsection (k). The report may be made separately or as a part of other biennial reports made to the legislature.*

SECTION 13. Section 81.030, Government Code, is amended to read as follows:

Sec. 81.030. GENERAL COUNSEL. (a) The board of directors, by a majority vote, elects the general counsel of the state bar. The general counsel holds office at the pleasure of the board.

- (b) The general counsel must be a member of the state bar.
- (c) The general counsel shall perform the duties usually expected of and performed by a general counsel.
- (d) The general counsel shall:
 - ~~[(1) standardize throughout grievance districts the procedure, method, and practice for the processing of grievance complaints;~~
 - ~~[(2) receive and maintain on behalf of the state bar the files and records of the grievance committees that pertain to discipline;~~
 - ~~[(3) expedite and coordinate the state bar's grievance duties imposed by this chapter; and~~
 - [(4)] perform those duties delegated by the board of directors.
- ~~[(e) On request of a grievance committee, the general counsel may investigate and prosecute grievance actions.~~
- ~~[(f) On request of an unauthorized practice of law committee or a grievance committee, the general counsel may investigate and prosecute suits to enjoin members, nonlicensees, and nonmembers of the state bar from the practice of law.~~
- ~~[(g) The general counsel may not be a lobbyist registered with the secretary of state.]~~

SECTION 14. Section 81.031, Government Code, is amended to read as follows:

Sec. 81.031. **CONFLICT OF INTEREST.** (a) The executive director and the general counsel of the state bar are subject to the Texas conflict of interest law, Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9b, Vernon's Texas Civil Statutes).

(b) *Each member of the board of directors who has, acquires, or divests himself of a substantial interest in a business entity or represents a business entity that is doing business with the state bar, shall file with the secretary of state a disclosure of regulated business interests affidavit:*

- (1) identifying himself and stating the capacity in which the member serves or is about to serve that requires the filing of the affidavit;*
- (2) identifying each business entity;*
- (3) stating the nature of the member's representation of, or interest in, the business entity;*
- (4) describing the manner in which the business entity is doing business with the state bar; and*
- (5) stating whether the interest is held, or was acquired or divested, and if acquired or divested, when.*

(c) *A member has a substantial interest in a business entity if the member:*

- (1) has controlling interest in the business entity;*
- (2) has ownership in excess of 10 percent of the voting interest in the business entity or in excess of \$25,000 of the fair market value of the business entity;*
- (3) has any participating interest, either direct or indirect, by shares, stock, or otherwise, whether or not voting rights are included, in the profits, proceeds, or capital gains of the business entity in excess of 10 percent of the profits, proceeds, or capital gains;*
- (4) holds the position of a member of the board of directors or other governing board of the business entity;*
- (5) serves as an elected officer of the business entity; or*
- (6) is an employee of the business entity.*

(d) *If a member to which this section applies acquires or divests himself of a substantial interest in a business entity or represents such a business that does business with the state bar, the member shall file the affidavit not later than the 30th day after the date the interest was acquired or divested.*

(e) An appointee who has any interest required to be reported under this section shall file the affidavit not later than the 30th day after the date of appointment or the date the member qualifies for the office, or if confirmation by the senate is required, before confirmation, whichever is earlier.

(f) This section applies only to a member that is elected or appointed to the board and that has a vote on policy directing the state bar. If the member has a personal or private interest in any measure, proposal, or decision pending before the board, the member shall publicly disclose that fact to the board in a meeting called and held in compliance with the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1969 (Article 6252-17, Vernon's Texas Civil Statutes), and may not vote or otherwise participate in the decision. The disclosure shall be entered in the minutes of the meeting.

(g) For purposes of this section:

(1) "personal or private interest" has the meaning given that term under Article III, Section 22, of the Texas Constitution, governing the conduct of members of the legislature; and

(2) a member does not have a personal or private interest in any measure, proposal, or decision if the member is engaged in a profession, trade, or occupation and the member's interest is the same as all others similarly engaged in the profession, trade, or occupation.

(h) A member who violates this section is subject to removal from office under Section 81.027.

(i) A person may not serve as a member of the board of directors or as the general counsel to the state bar if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the state bar.

SECTION 15. Section 81.033, Government Code, is amended to read as follows:

Sec. 81.033. OPEN RECORDS. *(a) All records of the state bar, except for records pertaining to grievances that are confidential under the Texas Rules of Disciplinary Procedure, and records pertaining to the Texas Board of Legal Specialization, are subject to the Texas open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).*

(b) The use of confidential records and information for purposes of the client security fund does not waive confidentiality or privilege.

SECTION 16. Subchapter B, Chapter 81, Government Code, is amended by adding Section 81.034 to read as follows:

Sec. 81.034. RESTRICTION ON USE OF FUNDS. *Fees collected under this chapter and other funds received by the state bar may not be used for influencing the passage or defeat of any legislative measure unless the measure relates to the regulation of the legal profession, improving the quality of legal services, or the administration of justice and the amount of the expenditure is reasonable and necessary. This subsection does not prohibit a member of the board of directors or an officer or employee of the state bar from furnishing information in the person's possession that is not confidential information to a member or committee of the legislature on request of the member or committee.*

SECTION 17. Section 81.053(a), Government Code, is amended to read as follows:

(a) An inactive member may not practice law in this state, hold an office in the state bar, or vote in any election conducted by the state bar.

SECTION 18. Section 81.054, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The state bar by rule may adopt a system under which membership fees are due on various dates during the year. For the year in which a due date is changed, the annual fee shall be prorated on a monthly basis so that the member pays only that portion of the fee that is allocable to the number of months remaining before the new

expiration date. An increase in fees applies only to fees that are payable on or after the effective date of the increase.

SECTION 19. Section 81.071, Government Code, is amended to read as follows:

Sec. 81.071. **DISCIPLINARY JURISDICTION.** Each attorney admitted to practice in this state and each attorney specially admitted by a court of this state for a particular proceeding is subject to the disciplinary and disability jurisdiction of the supreme court and ~~[its administrative agent,]~~ the *Commission for Lawyer Discipline, a committee of the state bar.*

SECTION 20. Section 81.072, Government Code, is amended to read as follows:

Sec. 81.072. **DISCIPLINARY AND DISABILITY PROCEDURES.** (a) In furtherance of the supreme court's powers to supervise the conduct of attorneys, *the court shall establish disciplinary and disability* ~~[this subchapter establishes grievance]~~ procedures.

(b) *The supreme court shall establish minimum standards and procedures for the attorney disciplinary and disability system. The standards and procedures for processing complaints against attorneys must provide for:*

- (1) investigation of all inquiries and complaints;*
- (2) a full explanation to each complainant on dismissal of an inquiry or a complaint;*
- (3) periodic preparation of abstracts of inquiries and complaints filed that, even if true, do or do not constitute misconduct;*
- (4) an information file for each complaint filed;*
- (5) a complaint tracking system to monitor processing of complaints by category, method of resolution, and length of time required for resolution;*
- (6) notice by the state bar to the parties of a written complaint filed with the state bar that the state bar has the authority to resolve of the status of the complaint, at least quarterly and until final disposition, unless the notice would jeopardize an undercover investigation;*
- (7) an administrative system for attorney disciplinary and disability decisions as an option to trials in district court, including an appeal procedure under the substantial evidence rule;*
- (8) an administrative system for reciprocal and compulsory discipline;*
- (9) interim suspension of an attorney posing a threat of immediate irreparable harm to a client;*
- (10) authorizing all parties to an attorney disciplinary hearing, including the complainant, to be present at all hearings at which testimony is taken and requiring notice of those hearings to be given to the complainant not later than the seventh day before the date of the hearing;*
- (11) the commission adopting rules that govern the use of private reprimands by grievance committees and that prohibit a committee:*
 - (A) giving an attorney more than one private reprimand within a five-year period for a violation of the same disciplinary rule; or*
 - (B) giving a private reprimand for a violation that involves a failure to return an unearned fee, a theft, or a misapplication of fiduciary property; and*
- (12) distribution of a voluntary survey to all complainants urging views on grievance system experiences.*

(c) In addition to the minimum standards and procedures provided by this chapter, the supreme court, under Section 81.024 shall prepare, propose, and adopt rules it considers necessary for disciplining, suspending, disbaring, and accepting resignations of attorneys.

(d) *Each attorney is subject to the Texas Rules of Disciplinary Procedure and the Texas Disciplinary Rules of Professional Conduct.*

(e) *The state bar shall establish a voluntary mediation and dispute resolution procedure that may be used as a model for resolving allegations of attorney misconduct that do not constitute an offense cognizable under the Texas Disciplinary Rules of Professional Conduct.*

(f) *Responses to the survey provided for in Subsection (b)(12) may not identify either the complainant or attorney and shall be open to the public. The topics must include:*

- (1) treatment by the grievance system staff and volunteers;*
- (2) the fairness of grievance procedures;*
- (3) the length of time for complaint processing;*
- (4) disposition of the complaint; and*
- (5) suggestions for improvement of the grievance system.*

(g) *A person may not maintain an action against a complainant or witness in a disciplinary proceeding based on a communication made by the complainant or witness to the commission, a grievance committee, or the chief disciplinary counsel. The immunity granted by this subsection is absolute and unqualified.*

SECTION 21. Section 81.076, Government Code, is amended to read as follows:

Sec. 81.076. **COMMISSION FOR LAWYER DISCIPLINE** [~~GRIEVANCE OVERSIGHT COMMITTEE~~]. (a) *The Commission for Lawyer Discipline* [~~grievance oversight committee~~] shall review the structure, function, and effectiveness of the *disciplinary and disability* [~~grievance~~] procedures implemented pursuant to this chapter and *supreme court rules*.

(b) *The commission is a standing committee of the state bar. The commission* [~~committee~~] *is composed of 12* [~~nine~~] *persons* [~~appointed by the supreme court~~]. *Six members must be attorneys* [~~members of the state bar~~], *and six* [~~three~~] *members must not be attorneys* [~~members of the state bar~~]. *The president of the state bar appoints the attorney members. The supreme court appoints the public members. The public members may not have, other than as consumers, an interest, direct or indirect, in the practice of law or the profession of law. The supreme court may remove any member for good cause* [~~Of the six bar members, three must be members or former members of grievance committees~~].

(c) *Members serve staggered three-year terms with one-third of the* [~~three~~] *members' terms expiring each year.*

(d) *The president of the state bar* [~~supreme court~~] *shall designate an attorney member as* [~~a~~] *chairperson of the commission* [~~committee~~] *who serves for one year.*

(e) *The commission* [~~committee~~] *shall report its findings annually to the supreme court and the board of directors and include any recommendations concerning needed changes in disciplinary or disability* [~~grievance~~] *procedures or structures.*

(f) *All necessary and actual expenses of the commission* [~~committee~~] *shall be provided for and paid out of the budget of the state bar.*

(g) *The commission, with the advice and consent of the board of directors, shall select a chief disciplinary counsel to serve as administrator of the state bar's grievance procedure as provided by the Texas Rules of Disciplinary Procedure. On request of an unauthorized practice of law committee or a grievance committee, the chief disciplinary counsel may investigate and prosecute suits to enjoin members, nonlicensees, and nonmembers of the state bar from the practice of law.*

(h) *The commission shall report to the board of directors, the supreme court, and the legislature, at least annually, concerning the state of the attorney discipline system and make recommendations concerning the refinement and improvement of the system.*

SECTION 22. Section 81.077(a), Government Code, is amended to read as follows:

(a) *The supreme court may not adopt or promulgate any rule abrogating the right of trial by jury of an accused attorney in* [~~either party to~~] *a disbarment action in the county of the residence of the accused attorney.*

SECTION 23. Subchapter E, Chapter 81, Government Code, is amended by adding Section 81.079 to read as follows:

Sec. 81.079. PUBLIC NOTIFICATION AND INFORMATION. (a) To provide information to the public relating to the attorney grievance process, the state bar shall:

(1) develop a brochure written in Spanish and English describing the bar's grievance process;

(2) establish a toll-free "800" telephone number for public access to the chief disciplinary counsel's office in Austin and list the number in telephone directories statewide;

(3) describe the bar's grievance process in the bar's telephone directory listings statewide; and

(4) make complaint forms written in Spanish and English available in each county courthouse.

(b) Each attorney practicing law in this state shall provide notice to each of the attorney's clients of the existence of a grievance process by:

(1) making complaint brochures prepared by the state bar available at the attorney's place of business;

(2) posting a sign prominently displayed in the attorney's place of business describing the process;

(3) including the information on a written contract for services with the client; or

(4) providing the information in a bill for services to the client.

SECTION 24. Section 81.094, Government Code, is amended to read as follows:

Sec. 81.094. CERTAIN COMMITTEE DUTIES. The committee shall:

(1) periodically publish its issued opinions to the legal profession in summary or complete form;

(2) on request provide copies of its issued opinions to members of the state bar or the public;

(3) on request advise or otherwise assist state bar committees or local bar associations relating to the *Texas Disciplinary Rules [Code] of Professional Conduct and the Texas Rules of Disciplinary Procedure [Responsibility]*; and

(4) recommend appropriate amendments or clarifications of the *Texas Disciplinary Rules [Code] of Professional Conduct and the Texas Rules of Disciplinary Procedure [Responsibility]* that it considers advisable.

SECTION 25. Section 81.103(a), Government Code, is amended to read as follows:

(a) The unauthorized practice of law committee [~~for the state bar~~] is composed of nine persons appointed by the supreme court.

SECTION 26. Subchapter G, Chapter 81, Government Code, is amended by adding Section 81.106 to read as follows:

Sec. 81.106. IMMUNITY. (a) The unauthorized practice of law committee, any member of the committee, or any person to whom the committee has delegated authority and who is assisting the committee is not liable for any damages for an act or omission in the course of the official duties of the committee.

(b) A complainant or a witness in a proceeding before the committee or before a person to whom the committee has delegated authority and who is assisting the committee has the same immunity that a complainant or witness has in a judicial proceeding.

SECTION 27. (a) Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.011 to read as follows:

Sec. 22.011. JUDICIAL INSTRUCTION RELATED TO FAMILY VIOLENCE, SEXUAL ASSAULT, AND CHILD ABUSE. (a) The supreme court shall provide judicial training related to the problems of family violence, sexual assault, and child abuse.

(b) *The supreme court shall adopt the rules necessary to accomplish the purposes of this section.*

(c) *In adopting the rules, the supreme court may consult with professional groups and associations in the state that have expertise in the subject matter to obtain the recommendations of those groups or associations for instruction content.*

(d) *The instruction must include information about:*

(1) *statutory and case law relating to videotaping a child's testimony and relating to competency of children to testify;*

(2) *methods for eliminating the trauma to the child caused by the court process;*

(3) *case law, statutory law, and procedural rules relating to family violence, sexual assault, and child abuse;*

(4) *methods for providing protection for victims of family violence, sexual assault, or child abuse;*

(5) *available community and state resources for counseling and other aid to victims and to offenders;*

(6) *gender bias in the judicial process; and*

(7) *dynamics and effects of being a victim of family violence, sexual assault, or child abuse.*

(b) Section 81.111, Government Code, is repealed.

SECTION 28. Subchapter H, Chapter 81, Government Code, is amended by adding Section 81.112 to read as follows:

Sec. 81.112. FEE DISPUTE RESOLUTION PROCEDURE. The state bar shall establish a standard fee dispute resolution procedure that may be used by a bar committee or other organization as a model for a fee dispute resolution program.

SECTION 29. Subchapter H, Chapter 81, Government Code, is amended by adding Section 81.113 to read as follows:

Sec. 81.113. CONTINUING LEGAL EDUCATION. (a) Except as provided by Subsection (b), the state bar shall credit an attorney licensed in this state with meeting the minimum continuing legal education requirements of the state bar for a reporting year if during the reporting year the attorney is employed full-time as an attorney by:

(1) *the senate;*

(2) *the house of representatives;*

(3) *a committee, division, department, or office of the senate or house;*

(4) *the Texas Legislative Council;*

(5) *the Legislative Budget Board;*

(6) *the Legislative Reference Library;*

(7) *the office of the state auditor; or*

(8) *the Sunset Advisory Commission.*

(b) *An attorney credited for continuing legal education under Subsection (a) must meet the continuing legal education requirements of the state bar in legal ethics or professional responsibility.*

SECTION 30. Sections 81.073, 81.074, and 81.075, Government Code, are repealed.

SECTION 31. The State Bar of Texas shall study provision of pro bono or free legal services by the attorneys in this state and shall report to the legislature and the Supreme Court of Texas not later than January 1, 1993, on the advisability of a mandatory pro bono program to provide legal services for those unable to afford legal assistance and on the procedures necessary to implement the program if it is advisable.

SECTION 32. (a) The first policy statement required to be filed under Section 81.029(k), Government Code, as added by this Act, must be filed before November 1, 1991.

(b) The grievance oversight committee established by Section 81.076, Government Code, as that section existed before amendment by this Act, is abolished.

SECTION 33. A person subject to Section 81.031, Government Code, as amended by this Act, who is in office on the effective date of this Act and who has any interest required to be reported under that section shall file the required affidavit not later than December 1, 1991.

SECTION 34. Section 29 of this Act applies to reporting years that end on or after the effective date of this Act. The requirements for continuing legal education for reporting years that end before the effective date of this Act are covered by the law and rules in effect when the reporting years ended, and those laws and rules are continued in effect for that purpose.

SECTION 35. This Act takes effect September 1, 1991.

SECTION 36. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 16, 1991, by a non-record vote; the House concurred in Senate amendments to H.B. No. 1186 on May 23, 1991, by a non-record vote; passed by the Senate, with amendments, on May 10, 1991, by a viva-voce vote.

Filed without signature June 16, 1991.

Effective September 1, 1991.

CHAPTER 796

H.B. No. 1257

AN ACT

relating to the regulation of certain code enforcement officers; providing a penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. PURPOSE. A program for the registration of professional code enforcement officers under the authority of the Texas Department of Health is established to safeguard the life, health, safety, and general welfare of the public and to establish and protect the professional status of those persons whose duties in the field of code enforcement require knowledge of the property maintenance statutes of the State of Texas.

SECTION 2. DEFINITIONS. In this Act:

(1) "Board" means the Texas Board of Health.

(2) "Code enforcement" means the inspection, improvement, and rehabilitation of environmental hazards in public and private premises by determining the presence of fire or health hazards, nuisance violations, unsafe building conditions, and violations of any fire, health, or building regulation, statute, or ordinance.

(3) "Code enforcement officer" means an agent of this state or a political subdivision of this state who engages in code enforcement.

(4) "Department" means the Texas Department of Health.

SECTION 3. REGISTRATION REQUIRED. Except as required by Section 12(a) of this Act, a person may not claim to be a code enforcement officer or use the title "code enforcement officer" unless the person holds a certificate of registration or a code enforcement officer in training certificate issued under this Act.

SECTION 4. POWERS AND DUTIES OF BOARD. (a) The board by rule shall:

(1) adopt standards and education requirements consistent with those established under the Position Classification Act of 1961 (Article 6252-11, Vernon's Texas Civil